

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-24-09**

*WHEREAS*, **PALMETTO KTP L. L. C.** applied for the following:

**SPECIAL EXCEPTION** to permit a charter school.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Plans for Proposed Tenant Improvements of: The Advanced Learning Academy," as prepared by Consulting & Specialty Engineering Services, Inc., consisting of 12 sheets dated stamped received 6/16/09. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** Tract "A," SILVIA SUB., Plat book 158, Page 99.

**LOCATION:** The northeast corner of N.W. 59 Avenue and N.W. 171 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That the use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "Plan for Proposed Tenant Improvements of: The Advanced Learning Academy," prepared by Consulting & Specialty Engineering Services, Inc. consisting of 11 pages, dated stamped received June 16, 2009, a copy which is attached hereto as Exhibit "B", as said plan may be further modified at the public hearing on the Application.
2. That the Charter School use shall be limited to Kindergarten through fifth grades with four hundred fifty two (452) students, which shall be incorporated in two (2) phases as follows:

350 students in grades Kindergarten thru Fifth permitted in the 2009-2010 school year.

452 students in grades Kindergarten thru Fifth permitted in the 2010-2011 school year.

3. That the Charter School shall have three staggered shifts at start and dismissal times, separated by a minimum of twenty (20) minutes, as follows:

Kindergarten thru 1<sup>st</sup> Grade – Start 8:00 a.m. / Dismissal 2:30 p.m.

2<sup>nd</sup> thru 3<sup>rd</sup> Grades – Start 8:20 a.m. / Dismissal 2:50 p.m.

4<sup>th</sup> thru 5<sup>th</sup> Grades – Start 8:40 a.m. / Dismissal 3:10 p.m.

However, the Owner, at its discretion, may modify the foregoing schedule so long as the Charter School has a minimum of three (3) start/dismissal times staggered at least twenty (20) minutes apart. Further, the Owner shall provide written notice of any modifications to the start/dismissal times to the directors of the Department of Planning and Zoning and the Public Works Department, respectively, and said modifications shall be subject to the approval of the directors.

4. That the Owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period. The Owner shall manage the traffic operations, including the provisions of any traffic control devices, during the arrival and dismissal times in substantial conformance with the Maintenance of Traffic Operation Plan prepared by Consulting & Specialty Engineering Services, Inc. consisting of 1 sheet, dated stamped received on June 16, 2009.
5. That prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan, prior to the issuance of a certificate of use.
6. That the Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.
7. That the waste pick-up for the Charter School shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during the arrival and dismissal times.
8. That the Owner shall obtain a Certificate of Use from and promptly renew the same annually with the Department, upon compliance with all terms and conditions; the same subject to cancellation upon violation of any of the conditions.
9. That Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments as contained in the Departmental memoranda which are part of the Zoning Application, except as amended by the DIC Executive Council at its meeting on July 8, 2009, and incorporated herein by reference.

10. That at time of Certificate of Use renewal, the Owner shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are then currently enrolled in said facility.

11. That if the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:

- a. cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or
- b. transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or
- c. Convert the Charter to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
- d. Secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

In the event that the Owner exercises either option 11(c) or (d) above, the Owner shall notify the County Planning and Zoning Director in writing and the Owner shall no longer be bound to use the Property in accordance with the requirements of Paragraph 1 above or be subject to the charter school operation provisions herein, provided that a charter school use may not thereafter be established without public hearing approval.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and


WHEREAS, upon due and proper consideration having been given to the matter, and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested special exception to permit a charter school would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception

would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and approve the application was offered by Commissioner Natacha Seijas, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

|                    |        |                      |        |
|--------------------|--------|----------------------|--------|
| Bruno A. Barreiro  | aye    | Joe A. Martinez      | aye    |
| Jose "Pepe" Diaz   | aye    | Dorin D. Rolle       | absent |
| Audrey M. Edmonson | aye    | Natacha Seijas       | aye    |
| Carlos A. Gimenez  | aye    | Katy Sorenson        | aye    |
| Sally A. Heyman    | absent | Rebecca Sosa         | aye    |
| Barbara J. Jordan  | aye    | Sen. Javier D. Souto | aye    |
|                    |        | Dennis C. Moss       | aye    |

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested special exception to permit a charter school be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
-  2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled: Plans for Proposed Tenant Improvements of: The advanced Learning Academy," as prepared by Consulting & Specialty Engineering Services Inc., consisting of 12 sheets, dated stamped received 06-16-09.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That no outside loud speakers shall be permitted on the property.
7. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
8. That the school gates be opened at least 30 minutes prior to the arrival and dismissal times.
9. That the charter school use be limited to grades Kindergarten through 5<sup>th</sup> and be limited to a maximum of 452 students.
10. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 20 minimum of 20 minutes. The arrival and dismissal times shall be as follows:
11. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the July 8, 2009 DIC of this application and incorporated herein by reference.
12. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

**THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED** this 23<sup>rd</sup> day of July , 2009, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 09-7-CC-4  
ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **DIANE COLLINS**  
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 31<sup>ST</sup> DAY OF JULY, 2009.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

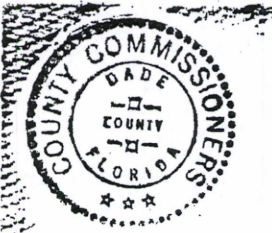
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-24-09 adopted by said Board of County Commissioners at its meeting held on the 23<sup>rd</sup> day of July, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 31<sup>st</sup> day of July, 2009.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





**Carlos Alvarez, Mayor**

ADA Coordination  
Agenda Coordination  
Animal Services  
Art in Public Places  
Audit and Management Services  
Aviation  
Building  
Building Code Compliance  
Business Development  
Capital Improvements  
Citizens' Independent Transportation Trust  
Commission on Ethics and Public Trust  
Communications  
Community Action Agency  
Community & Economic Development  
Community Relations  
Consumer Services  
Corrections & Rehabilitation  
Cultural Affairs  
Elections  
Emergency Management  
Employee Relations  
Empowerment Trust  
Enterprise Technology Services  
Environmental Resources Management  
Fair Employment Practices  
Finance  
Fire Rescue  
General Services Administration  
Government Information Center  
Historic Preservation  
Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro-Miami Action Plan  
Metropolitan Planning Organization  
Park and Recreation  
**Planning and Zoning**  
Police  
Procurement Management  
Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Vizcaya Museum And Gardens  
Water & Sewer

July 31, 2009

Palmetto KTP L.L.C.  
c/o Jorge Navarro  
5835 blue lagoon drive  
Suite 100  
Miami, Florida 33126

Re: Hearing No. 09-7-CC-4  
Location: The northeast corner of N.W. 59 Avenue and N.W. 171 Street,  
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-24-09, adopted by the by the Board of County Commissioners which accepted your proffered Declaration of Restrictions and approved your application on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **July 31, 2009**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,  
County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosure

**Planning and Zoning**  
111 NW 1st Street • Suite 1210  
Miami, Florida 33128-1902  
T 305-375-2800

miamidade.gov

*Delivering Excellence Every Day*